

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 06-11557
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT NOV 09, 2007 THOMAS K. KAHN CLERK

D. C. Docket Nos. 05-60398-CV-WPD
02-60176-CR-WPD

RAFAEL DANIEL DE LA CRUZ-JIMENEZ,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(November 9, 2007)

Before ANDERSON, BIRCH and BARKETT, Circuit Judges.

PER CURIAM:

Rafael Daniel De La Cruz-Jimenez, a prisoner proceeding pro se, appeals the

district court's denial of his motion for extension of time to file a certificate of appealability ("COA"). In a previous order, we granted the government's motion to dismiss in part, but allowed Jimenez to proceed in appealing the district court's January 25, 2006, order denying his motion to extend time to file a COA.

Therefore, the only issue on appeal was whether the district court abused its discretion in denying Jimenez's motion to extend time to file a COA. On appeal, Jimenez does not address that issue, but rather argues the merits of his original 28 U.S.C. § 2255 motion. Accordingly, Jimenez abandons the only issue on appeal and we must affirm. See United States v. Thomas, 242 F.3d 1028, 1033 (11th Cir. 2001) (holding that a party abandons an issue when the party fails to raise an argument in an initial brief).

AFFIRMED.